



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

REVIEWS

The Theory of Social Revolution. By BROOKS ADAMS. New York: Macmillan, 1913. Pp. 240. \$1.50.

This book purports to present a theory of revolutions, and a conception of revolutions, apparently well formulated in the author's mind, underlies the several essays of this small volume. Its main thesis, however, is not an explanation of revolutions. Throughout the first three chapters the reader is supposed to divine, or in some way to understand or surmise, the true explanation of revolutions without the assistance of any formal analysis of the nature of a social revolution. The title of the book is therefore somewhat misleading. Taken as a whole, it might be called "A Plea for the Reorganization of American Law Courts." More specifically, it is a plea for withdrawing the function of legislation from the American law courts; particularly, for withdrawing the function of federal legislation from the Supreme Court of the United States.

The central thought of the book appears to be that, in any given society, some economic or social class is dominant and constitutes, for the time being, a ruling class. When this existing ruling class is displaced and must give place to a new class, revolution takes place. If the transition from one ruling class to another is made by force, revolution is catastrophic, or violent; if it develops by concession or compromise, revolution is evolutionary, noiseless, and peaceful, though not without its conflicts. This theory of revolutions is expounded in chap. iv. In the preceding chapters such an explanation of revolutions seems to be regarded as so easy and natural that it is taken for granted. "In the experience of the English-speaking race, about once in every three generations a social convulsion has occurred; and probably such catastrophes must continue to occur in order that laws and institutions may be adapted to physical growth. Human society is a living organism, working, mechanically, like any other organism." This is a bold mixing of metaphors: a mingling of biology and mechanics. Brooks Adams out-Spencers Spencer. "Society has members and circulation, a nervous system, and a sort of skin, or envelope, consisting of its laws and institutions." This skin, we are then told, does not expand automatically, but only after painful and conscious effort.

In his selection of facts to support his contentions, Mr. Adams seems to be wholly unconscious of a parallel group or body of facts that could be cited to maintain an exactly opposite thesis; for example, Mr. Adams represents the American Revolution as the outcome of social development in conflict with law, instead of regarding the American Revolution, as we may regard it, as itself the outcome of applications of old English law based on precedents freshly reasserted on colonial soil. Mr. Adams (p. 12) wholly ignores the fact that both English and Roman systems of law possessed within themselves the machinery by which the law could readjust itself to new and changing economic and social conditions. I suppose the statement (p. 12) that society has "passed into fourth dimension of space, where it performs its most important functions beyond the cognizance of law, which remains in a space of but three dimensions," is intended to announce some principle in social science. But would not Mr. Adams, on reflection, agree that the fourth dimension is conjecture which belongs to the region of the higher calculus, hardly applicable in the study of law or sociology?

Mr. Adams is inaccurate in his sketch of the development of the public regulation of railways; he overlooks the fact that the conflict of decisions is itself a chapter in the evolution of the law of carriers, which antedates the appearance of the railway. We agree with Mr. Adams when he writes (p. 17), "Obviously, capital cannot assume the position of an irresponsible sovereign, living in a sphere beyond the domain of law, without inviting the fate which has awaited all sovereigns who have denied or abused their trust"; and he may be right when he anticipates that the state must presently own railways. But is he reading history correctly when he identifies the monopoly of the mediaeval gild with the kind of monopoly condemned in the great case of monopoly of 1601, *Darcy v. Allen*? The reviewer believes that the long chapter of economic history relating to gilds from the eleventh to the opening of the seventeenth century, or even the shorter chapter from the middle of the fourteenth to the opening of the seventeenth century, cannot be so curtly summarized or so curtly dismissed. The case of *Darcy v. Allen* itself excepted from its condemnation one species of monopoly, that of granting patents for new inventions, and it did not stand in flat contradiction to all preceding history. What it condemned was analogous to the preceding condemnation of regrading or forestalling. What it permitted was analogous to much that was before permitted to be done by incorporated gilds.

The declaration that capital must accept responsibility for the exer-

cise of its power may be taken as a truism: the United States government, in its prosecution of combinations in restraint of trade under the Sherman anti-trust law during the administrations of Roosevelt, Taft, and Wilson, has been engaged in determining the question whether private capital is stronger than the American government. But the fact that the United States government has lately shown its ability to bring a high class of advocates to present its case to the courts, and the fact that the Sherman anti-trust law has gained new significance, and that without any statutory amendment to the law, seems to bring no encouragement to Mr. Adams. He agrees with Roosevelt's declaration of principle in 1912, that the courts must be reformed or reconstituted as expounders of the Constitution. But his book must not be interpreted as a defense of the proposal to recall judges; it is designed, rather, as a warning against such a measure, because such a measure would result in establishing political courts pure and simple.

ISAAC LOOS

STATE UNIVERSITY OF IOWA

La conception sociologique de la peine. By MIECZYSLAW SZERER.

In "Bibliothèque sociologique internationale." Paris: Giard et Brière, 1913. Pp. 205. Fr. 4.

In this work the following subjects are treated: vengeance in primitive society; the appearance of punishment; the theory of punishment considered under five heads—the sociological conception of punishment, the altruism of punishment, punishment and the offended party, transitory phenomena, punishment and vengeance; and punishment and the family.

The two typical consequences of wrong acts, vengeance and punishment, have their respective foundations in human nature and in the desire to maintain a social structure. Vengeance is found under conditions which admit of individual freedom and violence. Punishment is found precisely in the negation of this liberty and this force.

Vengeance consists in the manner in which human nature reacts to wrong. Punishment is also a reaction provoked by wrong, but it is supported by the need of maintaining a given form of relations among men who co-operate in certain groups. In place of destroying the force of injustice, vengeance only doubles it and adds to the existing injustice a new injustice. There is no instrument less effective to regulate the common life of men than vengeance. Thus there is a fundamental opposition between punishment and vengeance.